

National Security Offences

General

Section 6(1) of the Security Offences Act (SOA) states the RCMP has the “primary” investigative responsibility (not sole responsibility) in relation to any offence referred to in Section 2 of the SOA.

Note: “Primary” jurisdiction does not necessarily signify “sole or unique” jurisdiction; it reflects a coordinated investigative responsibility.

Possible investigative scenarios include joint investigation and sharing of resources, hand-over to the police force of jurisdiction, or sole RCMP investigation.

Definition

Section 2 of the Security Offence Act (SOA) reads as follows:

Notwithstanding any other Act of Parliament, the Attorney General of Canada may conduct proceedings in respect of an offence under any law of Canada where

(a) the alleged offence arises out of conduct constituting a threat to the security of Canada within the meaning of the Canadian Security Intelligence Service Act, or
(b) the victim of the alleged offence is an internationally protected person within the meaning of section 2 of the Criminal Code, and for that purpose the Attorney General of Canada may exercise all the powers and perform all the duties and functions assigned by or under the Criminal Code to the Attorney General.

Threats to the security of Canada, as per **Section 2 of the CSIS Act** are deemed to be:

- 1. Espionage or sabotage that is against Canada or is detrimental to the interests of Canada or activities directed towards or in support of such espionage or sabotage;*
- 2. Foreign influenced activities within or relating to Canada that is detrimental to the interests of Canada is clandestine or deceptive or involves a threat to any person;*
- 3. Activities within or relating to Canada directed toward or in support of the threat or use of acts of serious violence against persons or property for the purpose of achieving a political, religious or ideological objective within Canada or a foreign state, and;*
- 4. Activities directed toward undermining by covert unlawful acts, or directed toward or intended ultimately to lead to the destruction or overthrow by violence of, the constitutionally established system of government in Canada, but does not include lawful advocacy, protest or dissent, unless carried on in conjunction with any of the activities referred to in paragraphs (a) to (d).*

SOA Investigation Unified/Coordinated Responses

Determination of the jurisdiction of SOA investigations may not be immediately determined at the onset. As such, a coordinated and/or integrated response may be required. Watch Commanders and their counterparts need to have a full understanding of the situation. In order to increase the effectiveness of police services the RCMP and OPS will continue to assist each other whenever possible in the integration of resources, toward the resolution of such incidents in the NCR.

Section 6(2)

Arrangements Ententes

(2) To facilitate consultation and cooperation in relation to the carrying out of the duties assigned to the Royal Canadian Mounted Police under subsection (1), the Minister of Public Safety and

Emergency Preparedness may, with the approval of the Governor in Council, enter into arrangements with the government of a province concerning the responsibilities of members of the Royal Canadian Mounted Police and members of provincial and municipal police forces with respect to the performance of duties assigned to peace officers in relation to any offence referred to in section 2 or the apprehension of the commission of such an offence.

Federal Policing Related Incidents

This standard operating procedure has been developed to ensure that there is a fluid flow of information (relating to Federal Policing (FP) formerly referred to as National Security (NS)) between responding members, such as GDPP, PIU and the appropriate units within FP. It is essential that all units within Federal Policing are apprised of potential threats in an efficient manner and that all members adhere to the procedures in order to ensure consistency in the reporting channels.

This section includes procedures on how to respond to an incident that has the potential of falling within the mandate of FP during regular business hours (Mon-Fri, 08:00-16:00) as well as in the evenings and on weekends.

It should be noted that it is the responsibility of the patrol/responding member (i.e. PRU) to create/update the initial PROS file upon receiving a report with possible FP implications.

Regular Business Hours

Patrol/responding members are to gather all pertinent information and ensure that they report the incident to PIU. PIU members will review the incident and ensure that the PROS file (created by the responding member) has been updated and that all essential information has been documented. This will allow for a screening of the facts and assist FP in the assessment of the likelihood of the incident falling within:

- o the mandate of FP;
- o the investigative jurisdiction of Protective Operations or;
- o the police of jurisdiction.

Outside of regular business hours (evenings and weekends)

Patrol/responding members are to gather all pertinent information, ensuring that they report the incident to NOC (National Operations Center), should this step have not already been taken by OCC as part of the fan-out process. NOC will contact the on-call FP member.

PRU responsibilities:

Upon initial response PRU members will transfer the file to POJ or RCMP investigative section

Any person taken into custody will be held until responding unit arrives, at such time the detainee or arrested subject will be handed over to POJ or investigative section.